

REGULAR MEETING OF THE BILLINGS CITY COUNCIL MONDAY, APRIL 26, 1999

The Billings City Council met in regular session in the Council Chambers located on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Mayor Charles F. Tooley called the meeting to order and served as the meeting's presiding officer. The Pledge of Allegiance was led by the Mayor, followed by the Invocation, given by Councilmember Jan Iverson.

ROLL CALL – Councilmembers present on roll call were: McDermott, McDanel, Deisz, Iverson, Kennedy, Johnson, Ohnstad, Elison and Larson. Councilmember Bradley was excused.

MINUTES – April 12th. The Minutes were approved as clarified.

COURTESIES – **Public Works Department** – Public Works Director, Kurt Corey presented the American Public Works Association (APWA) – Rocky Mountain Chapter "Best of the Best -Outstanding Landfill Operation" award to Ken Behling, Solid Waste Superintendent and the "Public Works Individual of the Year" award to Brian Borgstadt, City Engineer.

PROCLAMATIONS – Mayor Tooley proclaimed the following:

1. April 28 – Workers' Rights Day
2. May 8th – National Food Drive Day
3. May 9th-15th – Respect for Law Week
4. May 15th – American Legion Auxiliary Poppy Day

ADMINISTRATOR REPORTS – **Bill McGill**. Acting City Administrator Bill McGill offered his thanks to Finance Director, Nathan Tubergan; City Lobbyist, Janie McCall and former City Administrator, Mark Watson for their efforts with the favorable outcome of Senate Bill 184 and House Bill 91.

BOARD & COMMISSION REPORTS – Councilmember Jack Johnson announced that Saturday, May 1st is Great American Clean-Up Day, organized by the Bright 'n Beautiful organization to clean up the community. Senior High School parking lot is the headquarters for the project.

CONSENT AGENDA:

1. A. **Mayor's Appointments:**
(1) **Board of Adjustment.** Recommend Daniel J. Kenney.
- B. **Bid Awards:**

- (1) **Park I and Park II Transient Parking Access Control System Upgrade.** (Opened 4/13/99) Recommend Ace Electric, \$51,010.00.
- (2) **One new Hydraulic Articulating (Knuckle-boom) Crane for Street/Traffic Division.** (Opened 4/13/99). Recommend Anderson Service, \$29,094.00.
- (3) **Total Organic Carbon Analyzer for Public Utilities Dept.** (Opened 4/6/99). Recommend Shimadzu Scientific Instruments, \$25,308.75.
- (4) **Access Control System Replacement for Billings Logan International Airport.** (Opened 4/6/99). (Delayed from 4/12/99). Recommend Yellowstone Electric, \$457,121.00.
- (5) **AIP 17 – Taxiway “A” Shoulder Rehabilitation.** (Opened 4/20/99). Recommend delaying award to 5/10/99.

C. Change Order #3, Parking Structures Restoration. Paragon Constructors, Inc., \$23,316.00.

D. Change Order #2, W.O. 98-01: 1998 Water and Sewer Replacement Project, Schedule I, Gray Construction, Inc., \$9,327.36 and 8 days.

E. Resolution 99-17445 relating to Airport Revenue Refunding Bonds, Series 2000; approving the form of the bond purchase agreement and authorizing the Finance Director to enter into the bond purchase agreement.

F. Resolution of Intent 99-17446 to dispose of park land in Byrnes-Stephens Subdivision and setting a public hearing date for 5/24/99.

G. Resolution 99-17447 adopting policies for the installation and repair of curb, gutter and sidewalk within the City of Billings. (Delayed from 3/8/99).

H. First reading ordinance changing the boundaries of Ward IV to include recently annexed property described as the W2W2SW4 of Section 34, Township 1 North, Range 25E (#98-03) and setting a public hearing date for 5/10/99.

I. Final plat of Rim Point Subdivision.

J. Bills and Payroll.

LATE ADDITION:

K. Agreement with Montana Department of Transportation for Project #NH53-1(24)0: South 27th Street, State Avenue to 1st Avenue South, \$0.

(Action: approval or disapproval of Consent Agenda.)

Councilmember Kennedy moved to ADD Item K to the Consent Agenda, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

Councilmember Deisz separated Items D, F, and G. Mayor Tooley separated Item E. Councilmember Deisz moved for approval of the Consent Agenda EXCEPT Items D, E, F, and G, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

Councilmember Iverson moved for approval of **Item D**, seconded by Councilmember Larson. Councilmember Deisz said that when Council approved additional funding for the project a couple months ago, he asked when the contractors would be “docked” for not completing the work on time and he was still waiting for an answer to that question. Public Works Director, Kurt Corey said that he would need to research Change Order #1 before answering that request. Councilmember Deisz asked if there would be any penalty imposed on the contractor for the delay of the project. Mr. Corey said that much of the delay was attributed to the project not starting as early in the year as planned because the project had to be re-bid. As a result, some of the construction schedules ended up incomplete over the winter months; contract time does not run during that period. “If there are damages to vehicles, etc. as a result of the project being shut down for the winter, then those claims are turned over to the contractor’s insurance company and are not directly related to the city’s contractual agreement with the contractor,” he said. Mr. Corey also said that the contract does include a liquidated damages provision for the project not being completed on time, but he did not believe that the project was beyond the allowable contract time. On a voice vote, the motion was unanimously approved.

Councilmember Deisz moved for approval of **Item E**, seconded by Councilmember Larson. Finance Director Nathan Tubergan explained that the bond purchase agreement was actually a “forward” refund because the closing of the actual funding for the bond issue would not be until April 2000. He said that the approved resolution would allow him to negotiate and sign the bond purchase agreement this week. Mr. Tubergan said there is a clause in the agreement for the underwriters and the third party purchaser of the bonds that states if they back out between now and the closing date, they will pay liquidated damages for the amount of savings that the City would have normally received. There is also a clause that states that if the City backs out for reasons other than those beyond the City’s control then the City would also be liable for damages. He also said the airport revenues are the only revenues involved in the agreement. The net savings to the City is approximately \$1.5 million. On a voice vote, the motion was unanimously approved.

Councilmember Deisz moved for approval of **Item F**, seconded by Councilmember Larson. Councilmember Deisz asked if there was a time period for people to oppose the disposal of this park land. PRPL Director Mike Hink said that if the resolution was approved, then letters would be sent to all residents within a 300-foot radius on Thursday, April 29th. A resolution of disposal of the public property would be presented for Council approval on May 10th, which would also be a public hearing. On a voice vote, the motion was unanimously approved.

Councilmember Iverson moved for approval of **Item G**, seconded by Councilmember Larson. Councilmember Deisz asked staff for an explanation of how the resolution differed from what Council adopted last year, specifically the 7½% assessment cap. Public Works Director, Kurt Corey said his impression from Council discussion last fall was that the capping assessment at 7½% of appraised value was going to be

determined based upon favorable action of the legislature regarding street maintenance district revenues being used to provide funding to subsidize the cap. The legislature has not provided that flexibility. He also said there was not a great deal of interest pursuing a program that had little chance of being funded. He stated, "as a result, the recommendation to Council is to make good on the commitment to fund that particular subsidy for the 1998 projects and to not continue that program in the future." Councilmember Deisz asked if the money would be taken from street repair and put into the vehicle replacement fund if Council adopted the proposed resolution. Mr. Corey said that was the recommendation. Councilmember Ellison said the resolution indicated the cost of the curb and gutter would still be paid by the City, but that the State would not allow the City to pay for the sidewalk repairs. He emphasized that the resolution itself had no financial bearing. "The resolution merely sets a policy for curb and gutter repairs and installations. It addresses the self-repair issue and puts into effect the curb and gutter maintenance and repair being paid entirely by the City and that those costs are completely subsidized," he said. On a voice vote, the motion was unanimously approved.

REGULAR AGENDA:

2. PUBLIC HEARING on FY 1999-2000 Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs. (Action: public hearing only.)

Community Development Manager John Walsh said the upcoming budget represents the 25th year of the CDBG program. He said that the CDBG program is primarily used to address the older residential neighborhoods. The CDBG program provides affordable financing to help low-income people make basic repairs to their homes or special improvements to the neighborhood. The HOME program tries to advance affordable housing on a city-wide basis. Mr. Walsh said this was the 7th year Community Development had participated in the HOME program. He said that 15% of the CDBG budget is allocated to public service activities and 15% of the funds in the HOME program must be provided to non-profit organizations.

Community Development Board Chairperson Tom Iverson gave a brief description of the process used for CDBG applications. He said all board members review all applications and then each board member is assigned several applications for an in-depth review. The review often includes information that is not in the application form and visits to different agencies. A list of questions is prepared for each applicant to address at the budget hearings. In addition to specific questions, all applicants are asked to describe their fund-raising efforts and results for the past year and to describe the effects of partial or no funding of their projects.

For Housing and Neighborhood Activities, Mr. Iverson said the CDBG Board agreed with staff recommendations. The board did recommend some changes in the Parks Department projects. Mr. Iverson said 26 applications were received this year compared to 21 last year for Public Service Activities. The request for funds was

\$247,568; the amount available for allocation was \$150,000. He said new public service programs requesting funding this year were Temporary Teens, Consumer Credit Counseling, South Gate Cop Shop, American Red Cross, Yellowstone Aids Project, and Billings Promise. Mr. Iverson said that Community Crime Prevention Council withdrew their application. They did not fund While Justice Lives because they did not show community support, did not diversify their board and are unable to obtain funding from other sources. The Billings Symphony Senior Series, Billings Symphony After School, City Park Recreation Program Passes, and Montana Fair Housing were also not funded. "The recommendations were not made unanimously by the board; they were the consensus of a very diversified board. The decisions this year were very difficult," he said.

The public hearing was opened. ANN JORDAN OF 530 ALKALI CREEK ROAD, representing COMMUNITY AFTER-SCHOOL ACTIVITIES (CASA) thanked the CDBG Board for recommending full funding of their request. She said Community After School Activities provides after school care for over 300 children, serving 15 schools in Billings. Approximately 30% of those children are from low-moderate income families. Ms. Jordan said that the funding request was for scholarship funding to assist those families with attendance. She said their mission is not only to provide a stable, wholesome and enriched environment for children after school, but also one that is acceptable to all families. Ms. Jordan said their second request is for Sandstone Intermediate School, which is also for scholarship funding. Sandstone Intermediate School is an extension of the Community After School Activities program with some new partners (City Parks and Recreation Department, 4-H Junior Achievement, and private child care providers) to develop a program that addresses the needs of intermediate age children in the area. She said CASA would appreciate Council's support of the CDBG's recommendation.

JEFF DAVIS OF 515 PARK LANE, EXECUTIVE DIRECTOR FOR TUMBLEWEED RUNAWAY PROGRAM said Tumbleweed has been providing crisis services for youth and their families for over 23 years. Mr. Davis said they provide a 24-hour service and deal with some very difficult situations. Tumbleweed provides a lot of assistance to law enforcement by helping young people who have been separated from their family or have run away from home. He said he has the highest respect for the CDBG Board because they have to make difficult choices with limited amount of funds. He encouraged Council to support CDBG's recommendation this year.

MICHELLE REED, NO ADDRESS GIVEN, DIRECTOR OF OPERATIONS FOR THE YELLOWSTONE CITY/COUNTY HEALTH DEPARTMENT said she was speaking on behalf of the Medication Assistance Program which has received CDBG funds for three years (this being the third year). She said the program is for people who have no other options – they have no insurance and meet poverty guidelines. This program provided medications for 2,711 patients last year and 285 people in the month of March 1999. These people either receive medications free or at low cost, based on what they can afford. She said the program is very beneficial and has proven itself over the past three years.

DIANE WEAVER OF 3322 STONEY RIDGE ROAD, representing ST. VINCENT HOSPITAL and the Medication Assistance Program said the program is a collaborative project of several agencies in town, primarily St. Vincent Hospital, Deaconess Billings Clinic and Yellowstone City/County Health Department along with the Community

Development Block Grant Board, which has supported the project for the last three years. Ms. Weaver said that in 1994 a Community Needs Assessment in Billings identified that financial assistance with prescriptions was identified as the highest unmet need in the Yellowstone County health area. The program saw 285 people last month, in a 3 hour per day program. She stated that there is a tremendous amount of people who need medication assistance and the need is increasing. She said they wished the CDBG Board had more money to allocate. The funding they have received from the CDBG Board was \$7,500 two years ago, \$5,000 last year and \$3,000 is recommended this year. In 1989 the program had about \$20,000 in operating costs and they were able to leverage \$135,000 worth of free donated medications to Billings that would not have come to Billings without the program. She emphasized that 100% of the people that utilize the program are limited income. She thanked the Board for their efforts, City Council for their support, and expressed her gratefulness for the \$3,000 this year.

BILL LEMIERS, PRESIDENT/FOUNDER OF WHILE JUSTICE LIVES, a local, non-profit, public-benefit organization said While Justice Lives is dedicated to the preservation of justice, specifically by encouraging and supporting law enforcement. The organization has applied for public service funding through the CDBG program to implement a very worthwhile program in the community, the not-guilty program. Mr. Lemiers said the program addresses a gap in the current justice system and the grant funds would be used to fill that gap to provide legal assistance for innocent, criminally charged individuals with no other source of available assistance. He stated that a serious gap exists between those who qualify for court-appointed legal assistance and for those who can afford to retain their own legal counsel. The grant funds would be used to assist those individuals who fall within this gap and maintain their innocence.

BOB MURPHY OF 1650 NATALIE STREET, representing the OPTIMIST YOUTH SPORTS PROGRAM said the program targets low-income youth, ages 5-12 and provides a baseball program after Little League ends. Mr. Murphy said the program is a summer program to develop a comrade between the families of the youth, bring together a instructional baseball league, and target the people on the south side of Billings, although the program is open to all the youth in Billings. He said that there will not be any teams but there will be 40 volunteers that will assist the children with learning the fundamental skills of baseball. "The program will allow the City of Billings to give these children some good role models," he said.

ADELLA AWNER OF 3048 POLY DRIVE, DIRECTOR OF AMERICAN RED CROSS, thanked the CDBG Board for supporting American Red Cross on their first request for funding. She said one thing that American Red Cross does in Billings is to provide assistance to families who have lost their home in a fire by providing immediate shelter, food and clothing. She said American Red Cross is the only agency that provides this assistance. She went on to say that they work closely with the Fire Department on fire safety education. Ms. Awner said that because of their involvement with the Fire Department, Red Cross would like to work on a project where fire deaths can be prevented. The project that they have requested funding for is to install smoke detectors in the homes in a target area. She stated that smoke detectors save lives and Red Cross has learned the simplest, most effective way to get a smoke detector into a home is to

actually go to the home and install it. She said Red Cross would appreciate Council's favorable consideration of their request.

MIKE KEENE OF 3216 REIMERS PARK DRIVE said he is a community volunteer and serves on the Amend Park Development Council and was speaking on behalf of the \$75,000 request by the Parks and Recreation Department for Amend Park. He said the application submitted was for playground equipment and construction. He said this is the seventh year of the project and they were hoping to receive the amount of money requested. They have involved the children at Newman School to help plan and design the park and recently had an open house at Newman School to show the progress these young kids have made in helping plan and design the project. He asked for Council's consideration of the Amend Park Development Council's request and said they would put it to good use for the kids, families and neighborhoods of Billings.

LINDA ROBBINS, DIRECTOR OF FAMILY SERVICE INC. said Family Service Inc. helps families who are going through real emergency situations. She said they help with the basic needs of the families. A major portion of the assistance given in past years has been for rent, mortgage payments or utilities. She also said that last year their budget was \$85,000; this fiscal year they have already spent \$68,000. Ms. Robbins said the majority of the families they assist are working, but when an emergency arises they cannot take care of their basic needs. She said they use the CDBG funds to keep families in their homes and make sure they are not uprooted.

GREGORY STRAIT OF TEMPORARY TEENS said the program was a new program and this was the first year they were applying for CDBG funds. The program involves south side businesses working with south side low-income youths to clean up the south side. He said this is a very worthwhile, innovative and viable program and they would appreciate Council's support of the CDBG recommendation.

IAN ELLIOTT OF 2512 GOLDEN BOULEVARD, PROGRAM DIRECTOR OF DISTRICT 7 HRDC GROWTH THRU ART PROGRAM, said he was speaking on behalf of the Growth Thru Art staff, fellow artists with disabilities, board members and thousands of various citizens whose lives are enhanced by the extraordinary program. Mr. Elliott said, "at Growth Thru Art, 100% of the artists served are from low-income households. Growth Thru Art is a fine arts program," he said. Mr. Elliott said in May five of 35 artists selected from a five state region in the "No Boundaries" exhibit were from Billings. Growth Thru Art is one of 35 programs in the country where individuals with disabilities are served with artistic opportunities. He thanked the CDBG Board for its recommendation in support of the program.

SARA BETH CASEY OF FRIENDSHIP HOUSE (EXPLORE & SUMMER ENRICHMENT PROGRAMS) thanked the CDBG Board and Council for their support over the past three years. She said the financial support has allowed them to provide quality care for the children of Billings, quality resources for neighborhood youth and has allowed them to develop Explore Workplace. As of April 1998, 22 Riverside Junior High youth have completed the program, which includes 18 weeks of intense interactive curriculum and job relationship training. Twelve different work sites and 16 volunteer mentors have participated in the program. She encouraged Council to support the CDBG Board recommendation so that Friendship House could continue to offer youth the opportunities.

BEN USELMAN, a volunteer for the AMEND PARK PLAYGROUND PROJECT said the playground at Amend Park will be more than just a playground to that neighborhood; it will become a component of synergy that will be complemented by an adventure center and an area for agronomy and earth sciences. It will complement the youths of the neighborhood. Mr. Uselman said that there is a skateboard area planned for the park. He said they have tried to incorporate all the ideas of the Newman school children and the four volunteer architectural firms. He encouraged Council to consider funding for that portion of the park and go with the initial request of \$75,000 so that they can move forward with the plans that are being developed.

LORI ELLINGHOUSE OF 1922 BROADWATER, DIRECTOR OF YOUNG FAMILIES EARLY HEAD START thanked the Board for their hard work and recommendation. She said the CDBG funds they receive provide childcare for teen parents who are completing high school. She said that 90% of the families served are at or below poverty, which includes the parents of the teen parents. Ms. Ellinghouse said 90% of the families indicate that without the Young Families Program they would not be in high school. She requested that Council support the CDBG Board recommendation.

GAYLE THOMPSON OF 4265 LAREDO PLACE said she was representing the YWCA. Three of YWCA's five programs were requesting CDBG funds. She said those programs were domestic violence and sexual assault programs, which includes a shelter to provide safe housing and support services for victims of abuse. The Children Services Program provides quality early childhood care and education experiences to children. The programs address the very basic needs of low-income individuals in the community, she said. She thanked Council and the CDBG Board for support of the programs in the past.

RUTH TOWE OF 2739 GREGORY DRIVE SOUTH spoke on behalf of the MOSS MANSION HISTORIC HOUSE MUSEUM. She said the Moss Mansion is owned by the City and the State and does not receive any operating funds. They are requesting CDBG funds for some much needed rain gutters at the mansion. She said there is currently damage to the exterior and interior of the mansion caused from water. She thanked the CDBG Board and Council for their support in the past year, which has enabled them to do some electrical work and other much needed repairs to the mansion.

ARDELL KRUDHOFF OF 620 COLISEUM DRIVE, DIRECTOR OF SENIOR HELPING HANDS thanked the CDBG Board and Council for their continuing support of non-profit agencies. Ms. Krudhoff said the Senior Helping Hands program serves reduced income elderly clients, many who are housebound. All clients are at or below poverty level. She said they are aware that senior service needs will continue to grow and her agency is trying to keep up with the growth. She said they not only see more people needing help but also the need for more help in each home. She stated that Senior Helping Hands has been serving the senior community for 20 years and wants to continue to help because these people are part of our heritage and believe they should be able to stay in the community to share their wealth of knowledge with children. She said their mission is to help the community be a stable, safe and caring place to live.

There being no other speakers, the public hearing was closed. No action is required this evening. The Council will take action on the CD Board recommendations on May 10, 1999.

3. PUBLIC HEARING FOR SITE DEVELOPMENT ORDINANCE VARIANCE #99-01: a variance from BMCC Section 6-1203(r) and 6-1208(l) regarding alley access and construction of a driveway apron without property line setback for the Ronald McDonald House on Lots 18-24, Block 6, North Elevation Subdivision, First Filing, located at 1144 North 30th Street. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

The public hearing was opened. MICHAEL OHLINGER OF 4305 RYAN AVENUE, an architect with JGA Architects, said JGA Architects had been contacted by the Ronald McDonald house to complete an expansion project at the site. He said the variances being requested will facilitate the parking on the site to allow safer, more adequate parking facilities. The house is being expanded from 5 bedrooms to 13 bedrooms.

There being no other speakers, the public hearing was closed. Councilmember Iverson moved for approval of the variance, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

4. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #643: a zone change from Agricultural-Open Space (County) to Community Commercial, Residential Professional, Residential 7000 and Residential 9600 (City) on the W2W2SW4 of Section 34, Township 1 North, Range 25 East, generally located on the northeast corner of Grand Avenue and 38th Street West. Hancock Properties, Inc., owner; Engineering, Inc., agent. (Delayed from 12/21/98). Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation).

Planning Director Kerwin Jensen said this property had been annexed into the city two weeks ago at the April 12 Council meeting. He said the proposed zoning directly reflects what is on the opposite side of 38th Street West and that the Zoning Commission felt that the change was compatible with surrounding zoning.

The public hearing was opened. CHARLES HAMWEY OF 1010 GRAND AVENUE said that the zone change was the best use for the development of the property.

There being no other speakers, the public hearing was closed. Councilmember Kennedy moved for approval of the ordinance on first reading, seconded by Councilmember Johnson. On a voice vote, the motion was unanimously approved.

5. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #646: a zone change from Residential 7000 to Neighborhood Commercial and Public on portions of Tract B of C/S 1056, generally located at the southeast corner of Wicks Lane and Bench Boulevard. Olive King, owner; Engineering, Inc., agent. Zoning Commission recommends denial. (Action: approval or disapproval of Zoning Commission recommendation.)

Planning Director Kerwin Jensen said that because of heavy opposition at the Zoning Commission meeting, the applicant submitted a letter of withdrawal. Because that letter of withdrawal was received after the legal advertisement for the public hearing, it was required that the public hearing be held. Mr. Jensen said that staff recommends Council grant the withdrawal of the application.

The public hearing was opened. There being no speakers, the public hearing was

closed.

Councilmember Johnson moved for acceptance of the request for withdrawal, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

6. PUBLIC HEARING FOR SPECIAL REVIEW #655: special review to allow the placement of a 4-plex in a Residential 6000 zone on the north fraction of Lots 1-4, Block 239 of Billings Second Addition, located at 924 South 31st Street. Community Leadership Development, Inc., owner; Dave Hagstrom, agent. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation).

Planning Director Kerwin Jensen said that the property was zoned Residential 6000 and that anything larger than a duplex was required to go through a special review. The property was formerly utilized by a 5-plex, which had been demolished. Therefore, the applicant was required to go through a special review for the 4-plex.

The public hearing was opened. There being no speakers, the public hearing was closed.

Councilmember Ohnstad moved for approval of the Zoning Commission recommendation, seconded by Councilmember Larson. On a voice vote, the motion was unanimously approved.

7. PUBLIC HEARING FOR SPECIAL REVIEW #656: a special review to allow a public parking lot in a Residential 6000 zone on Lots 25-28, Block 1 of Streeter Addition, located at 540 Avenue B. Trinity Evangelical Lutheran Church, owner; Corey Johnson, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.)

Planning Director Kerwin Jensen said the property was currently being utilized as a home site and that any parking lot within a residential zone was required to go through a special review. He said the applicant was proposing to remove the residential unit and construct a parking lot. The Zoning Commission was recommending conditional approval. The two conditions are: 1) a 3-foot minimum height fence shall be placed along the entire north and east sides of the parking lot, portions of which may be located on top of the retaining wall, and 2) a chain or other barrier shall be placed at the entrance of the parking lot to keep the area students from parking at the site during the daytime.

The public hearing was opened. COREY JOHNSON OF 342 TRAVOIS TRAIL said he was a member of Trinity Lutheran Church, a local architect, and served on the committee that developed the plan for the parking lot. He said the parking lot would provide much needed parking space for the growing congregation at the church and help alleviate the problem of members having to park along the streets on Avenue B and 6th Street. He said in developing the plan, the church sent informational pamphlets to homeowners in the area, asking for their input. They also went door-to-door and received 25 neighborhood signatures in support of the project. He said the lot has been carefully planned with landscaping and fencing to buffer noise and visually enhance the sight. Mr. Johnson said they worked with the Zoning Commission and supported the condition to

keep the students from parking at the proposed sight by placing chains on the drive approaches. He asked Council for their support of the project.

SCOTT WILLIAMS OF 536 AVENUE B said that his home is directly east of the proposed lot. He said his main concern, making the parking lot off limits to Senior High School students, had been addressed. He emphasized that he definitely wanted a barrier to prohibit the students from parking in the lot during the day.

There being no other speakers, the public hearing was closed. Councilmember Elison moved for approval of the Zoning Commission recommendation, seconded by Councilmember Iverson. On a voice vote, the motion was unanimously passed.

8. PUBLIC HEARING FOR SPECIAL REVIEW #657: a special review to allow a powder coating business in a Controlled Industrial zone on portions of Lots 13-15, Block 80 of Billings Original Town, located at 123 North 16th Street. Galen Scott Naylor, owner; Dwight Gilliland, agent. Zoning Commission recommends approval. (Action: approval or disapproval of Zoning Commission recommendation.)

Planning Director Kerwin Jensen said the subject property was entirely surrounded by Controlled Industrial zoning. He said the proposed use was considered to be a special review use for light manufacturing districts. The Zoning Commission found the proposed use to be compatible with surrounding land uses and is recommending approval.

The public hearing was opened. DWIGHT GILLILAND OF 1141 WICKS LANE said that powder coating is a dry powder that is electrostatically charged and then sprayed. He said there were no solvents or volatile organic compounds (VOC) during the process or vented outside the building. He said it is a very environmentally friendly process. Because it does not have any of the hydrocarbons that regular paint does, it is replacing many painted products.

There being no other speakers, the public hearing was closed. Councilmember Larson moved for approval of the Zoning Commission recommendation, seconded by Councilmember Elison. On a voice vote, the motion was unanimously passed.

9. STAFF REPORT on the ADA Transition Plan grievance procedure. (Action: report and direction to staff.)

City Administrator Bill McGill said the Mayor and Council had received the requested report within the 30-day requirement. He said that at the end of the 60-day period the final recommendations would be made regarding assistance needed to complete the transition plan. Councilmember Deisz asked if the Public Works Department would be taking care of the curb ramps installed in the past couple years. Public Works Director Kurt Corey said the Public Works Department staff is currently in the process of inventorying those ramps that have been brought to the City's attention or that are systematically reviewed. He said that any ramps found to be substantially defective would be corrected in some way. Councilmember McDanel asked for a definition of "substantially defective." Mr. Corey said, "during the course of the inventory there are some situations that may not be 100% in compliance with the way things would be done in a perfect world, but they end up being the best that can be done. Those would be categorized as the best we can do, but they are not perfect." Councilmember Larson

asked how often the ADA Compliance Committee would meet. Mayor Tooley responded that the committee is complaint-based and would meet only when a complaint is filed.

City Administrator Bill McGill said the report was being presented for Council's acceptance and in 60 days the City will have a plan in place to provide technical assistance. "The city has budgeted money to ensure that the transition plan is kept updated," he stated.

Councilmember McDermott moved for approval of the report, seconded by Councilmember Larson. On a voice vote the motion was unanimously approved.

10. DISCUSSION on revised methods of assessment for Street Maintenance Districts. (Delayed from 1/25/99). (Action: recommend delaying until 5/24/99).

Councilmember McDanel moved for acceptance of the recommended delay to 5/24/99, seconded by Councilmember Larson.

Councilmember McDanel asked why 5/24/99 was chosen. He said he thought because the assessment fees would not affect the upcoming budget cycle that the discussion could be postponed until after approval of the FY 1999-2000 budget. Councilmember Larson said he felt that the discussion should be part of the budget discussion. Public Works Director Kurt Corey said that the date was probably initially selected because the legislative session would be complete by that date. Mr. Corey said the committee that was formed to investigate alternate assessment methods would be meeting on Monday. A report would be put together for the May 24th meeting to allow Council to have the information as early as possible in the budget process and make a determination as to whether or not the issue would be addressed in the budget. He noted the Operations and Maintenance budget discussion was scheduled for June 1. On a voice vote, the motion was unanimously approved.

ADJOURN – With all business complete, the Mayor adjourned the meeting at 9:30 p.m.

THE CITY OF BILLINGS:

BY: _____
Charles F. Tooley MAYOR

ATTEST:

BY: _____
Colleen Schell-Berg Deputy City Clerk